

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MILES DEAN PARKISON,
Plaintiff,

v.

PAUL PASTOR, et al.,
Defendant.

Case No. C05-5488RBL

ORDER TO PROVIDE PROOF
OF SERVICE OR SHOW CAUSE

After careful review of the file and the parties' briefing, the court hereby ORDERS:

(1) In relevant part, FRCP 4(m) provides:

Time limit for service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or upon its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The complaint in this matter was submitted on or about July 18. Plaintiff is required to properly serve defendant with a copy of the original complaint along with a summons and file the required proof of service by not later than November 19, 2005.

After reviewing the record, the court noted defendants have not filed an answer to the amended complaint as expected. On July 29, the court issued an order directing parties to file a Joint Status Report to assist the court in its pretrial management of this matter. The order directed plaintiff to respond independently only if the defendants had not yet answered or appeared in the matter, and plaintiff was instructed to explain to the court the reason for their non-appearance if that was the case. On October 11, 2005, plaintiff filed an independent report, but failed to address the issue of service of the complaint on

1 defendants and the explanation of why an independent report, rather than a joint, report was being filed.

2 Plaintiff shall file proof of service or show cause why this matter should not be dismissed for lack of
3 prosecution **by not later than November 25, 2005**. The Clerk is directed to provide copies of this Order
4 to plaintiff and counsel of record.

5 DATED this 7th day of November, 2005.

6 /s/ J. Kelley Arnold

7 J. Kelley Arnold
8 United States Magistrate Judge
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